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TOWN OF JEROME, ARIZONA

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

MINUTES

SPECIAL MEETING OF THE JEROME TOWN COUNCIL
JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS
TUESDAY, JULY 30, 2013 AT 7:00 P.M.

ITEM #1:	CALL TO ORDER/ROLL CALL Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll. <i>Mayor Check called the meeting to order at 7:02 p.m.</i> <i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Nikki Check, Vice Mayor Lew Currier and Councilmembers Randall Hunt, Anne Bassett and Bill Phinney.</i> <i>Other staff in attendance at roll call included Deputy Town Clerk Rosemarie Shemaitis.</i>
ITEM #2: 7:03 pm	PUBLIC HEARING ON 2013-14 BUDGET AND TAX LEVY The Mayor and Council will conduct a public hearing on the proposed 2013-14 budget and tax levy for the Town of Jerome. Any taxpayer may appear and be heard in favor of or against any proposed expenditure or tax levy. No increase in the tax levy is proposed. <i>The public hearing was opened on the 2013-14 budget and tax levy.</i> <i>Councilmember Hunt commented that, regarding Schedule A, information regarding fund balances had not been filled in. It was noted that this figure would not be available until the next audit has been completed. Ms. Gallagher said that, as of July 1, 2012, that figure was in the area of \$400,000.</i> <i>Ms. Gallagher confirmed for Councilmember Phinney that nothing in this budget had changed since its tentative adoption on July 9.</i> <i>No members of the public came forward, and Mayor Check closed the hearing at 7:05 p.m.</i>
ITEM #3: 7:06 pm	RESOLUTION #516: ADOPTING THE 2013-14 BUDGET Following the public hearing, the Mayor and Council may approve Resolution #516, adopting the final budget for the Town of Jerome for the fiscal year ending June 30, 2014. <i>Motion:</i> Vice Mayor Currier made a motion to approve Resolution 516, adopting the final budget. It was seconded by Councilmember Bassett and approved by all. <i>As a point of information, Councilmember Phinney asked Ms. Gallagher to explain the public hearing process. Ms. Gallagher explained that a public hearing on the budget and the tax levy is required by law. The hearing is officially opened, public comment is received, and the hearing is closed, in a more formal process than what usually takes place at our Council meetings.</i> <i>Mayor Check added that Council generally accepts a lot of public commentary during their regular meetings, but this is a forum that is specifically designed to get as much public input as is out there. Councilmember Bassett agreed, and noted that public hearings are also</i>



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Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

	<p>advertised beforehand.</p> <p>Councilmember Hunt asked how far in advance it is advertised, and Ms. Gallagher responded that it is usually a few weeks¹. Mr. Hunt asked how far in advance this meeting was posted. Ms. Gallagher explained that the law requires that agendas be posted at least 24 hours before a meeting, but we usually post at least 48 hours beforehand. Mr. Hunt commented that since this is the Town of Jerome, we need to get the word out to the Jerome residents, and not everyone reads the paper. Ms. Shemaitis stated that this meeting was actually posted five days prior to the meeting, on the previous Thursday.</p> <p>Vice Mayor Currier said that the budget requirement is that it has to be published in a paper of record, and the paper of record around here is the Verde Independent. Ms. Gallagher agreed.</p> <p>Mr. Hunt said that there was not much of a public turnout at this meeting, and feels it may have been otherwise if ...</p> <p>Ms. Shemaitis repeated that this agenda was posted on Thursday, and added that she emails the meeting information to a distribution list of those who have requested notification (55 recipients). Ms. Gallagher added that there is also a copy of the budget in the library, and it was duly advertised as required by law.</p> <p>Ms. Bassett noted that there are a lot more people in attendance at this budget hearing than at the last one, where there were none.</p> <p>Mr. Hunt opined that it would have been better if it had been posted longer.</p> <p>Ms. Shemaitis repeated that she had posted it the previous Thursday, which was ample time. Ms. Gallagher added that the agenda was also posted on the Town's Facebook page. Mr. Hunt said that not everybody looks at Facebook.</p> <p>Mayor Check said that not everybody wants to be a part of the budget process.</p>
ITEM #4:	ORDINANCES
7:10 pm	<p>ITEM #4A: RESOLUTION NO. 517, "A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED CHAPTER 17, 'CIVIL UNIONS,' AN AMENDMENT TO THE TOWN CODE OF THE TOWN OF JEROME."</p> <p>The Mayor and Council will review and may adopt Resolution No. 517, declaring Chapter 17 of the Town Code as a public record.</p> <p><i>Council reviewed the provisions of the proposed new Chapter 17, regarding Civil Unions, which would be made a public record with this Resolution.</i></p> <p><i>Councilmember Phinney referenced a portion of the proposed new Chapter recognizing "the right of any party to a Civil Union who is an employee of the Town of Jerome to designate his or her Civil Union partner as a beneficiary of any of the benefits provided by the Town of Jerome to</i></p>

¹ Clerk's note: To clarify, for the record, the legal requirements and the steps taken:

- The tentative budget must be adopted on or before the third Monday in July. Our tentative budget was adopted on July 9.
- Following adoption of the tentative budget, it must be published once a week for two consecutive weeks with notification of the time and date of the public hearing, and a statement indicating where the proposed budget can be examined. This was done in the Verde Independent on July 14 and July 21.
- Within seven days of adoption of the tentative budget, a summary must be published on the town's website (or if there is none, on the League's website) and made available at the public library. The tentative budget was adopted on July 9, and a summary was published on the League's website and provided to our library (along with additional information) on July 16.
- The public hearing on the budget and tax levy must take place on or before the 14th day before the tax levy is adopted. The tax levy must be adopted on or before the third Monday in August. The tax levy was scheduled for adoption (and later adopted) at the regular August meeting, held on August 13. This public hearing was being held 14 days prior to that date, July 30.

spouses of employees of the Town, to the extent that the Town is able to do so." He requested clarification, for the record, regarding the intent of the last phrase, "to the extent that the Town is able to do so." Councilmember Bassett said that she thinks that it means that the Town recognizes these rights, except where it would conflict with State law. Ms. Gallagher noted that this language was taken from Bisbee's ordinance, and further clarified that, if it is something that is within our own control, we will provide it; but, if it is something we aren't able to provide due to factors beyond our control, such as other laws or regulations, then we wouldn't overstep our bounds. Vice Mayor Currier opined that Bisbee may have included that language because the state Attorney General required it – a disclaimer that they couldn't override state law.

Vice Mayor Currier questioned a section of the proposed chapter which reads, "With this affidavit declaring their intentions, the parties may, at their option, also submit a statement of some or all of the contractual rights, obligations, and expectations . . ." He said it would appear that the Town is acting as somewhat of a notary public in this situation, where we are acknowledging that certain agreements have been registered, but not commenting as to their content. Ms. Gallagher agreed, and explained that, in addition to registering their civil union with the Town, the parties would be able to file agreements with us so that they will have something "officially" on file. She added that there is no obligation for them to do so, and their doing so would carry no legal weight other than our acknowledgement that those agreements exist and are on file with us.

The Vice Mayor also questioned the lack of any type of vow or declaration of commitment as part of the civil union requirements. Ms. Gallagher confirmed that this would not be required, and added that the parties would be able to solemnize their vows if and however they wish. Mayor Check pointed out that this is not marriage, but a civil union, and Councilwoman Bassett noted that many people write their own wedding vows as they see fit. Councilmember Phinney stated that a marriage license simply confirms that a couple was married at a certain place and time, and it goes on record somewhere.

It was noted that registering a civil union in Jerome would not automatically grant the parties "joint anything," such as property rights or survivor's benefits. It is intended to be an official acknowledgment of their relationship, and would allow the Town to provide certain benefits to employees in registered civil unions.

Vice Mayor Currier said that he would not vote against this, but he thinks that it is meaningless.

Councilmember Bassett said that this is also an opportunity for the couple to create a document that says that they both agree to be each other's "go-to health person," that would take care of them and be able to visit them in the hospital, as well as being designated as an heir. It creates an opportunity to define all those things that can't be defined under marriage laws in the state of Arizona at this point in time. Ms. Bassett said that they can create a document that they can show their relatives as evidence that they both agree that this is how they want each other's place in their lives—as if they were family members. She believes that that is a very important thing, and said that, even though it does not have great legal weight, having it in a document is going to impress the relatives. Councilmember Phinney agreed.

Ms. Gallagher noted that there is a disclaimer in the ordinance, so the Town is not taking any responsibility for the enforcement or legality of it. We are just allowing them to make their statement, putting it on file and giving it some recognition.

Ms. Shemaitis commented that, from what she recalls from a previous meeting, this was to show the Town's support of this issue. It can't compete with state law, which supersedes our own. It would be legal or applicable only here in Jerome.

Councilmember Hunt referenced Section A of the Chapter, under Public Records. It states:

- A. The Certificate of Civil Union shall be treated as a public record pursuant to the laws of the State of Arizona and shall be subject to disclosure upon request.

He then referenced the following Section B, which states:

- B. The statement of contractual rights may contain private, privileged, or confidential information that is protected from disclosure under the laws of the State of Arizona. The

	<p>parties to each Civil Union will have the opportunity to designate which, if any, of the components of this statement they intend to be subject to public disclosure. In the event that a third party may request information from this statement that has not been designated for disclosure, the parties to that Civil Union shall be advised of this request and offered the opportunity to assert their position regarding the disclosure of that information.</p> <p>Mr. Hunt commented that Section A says that the certificate will be treated as a public record, but, Section B says that we can <u>withhold</u> any of this from being a public record. Ms. Gallagher said that this provides that the parties can request that certain information be withheld. Councilmember Hunt said, "If it is a public record, it is a public record." Ms. Gallagher explained that Section B refers to information that is protected from disclosure by the laws of the state. It would allow them to designate which portions of that information they intend to be subject to public disclosure.</p> <p>With respect to the previous discussion about the lack of a requirement for any vows, Deni Phinney, a resident of Jerome, noted that, for marriages, religious verbiage and vows, such as "until death do you part" and "in sickness and in health," constitute part of the <u>ceremony</u>, which is different and separate from the legal requirement. The State requires only the signatures of both parties, with witnesses. She added that she is ordained, and is able to perform ceremonies such as these, so she knows the legalities involved. All that the State of Arizona wants, she said, "is that piece of paper."</p> <p>Vice Mayor Currier noted that the secular document that the town or state issues recognizing a marriage or civil union is a legal document. And, with that, he said, you can claim a portion of an estate – you don't need to go in front of a church or a minister or any religious organization.</p> <p>Ms. Phinney said that the hope is that, by Jerome making this statement and coming forward, and as more municipalities do the same thing, the idea will make its way to higher levels as well.</p> <p>Motion: Councilmember Bassett made a motion to adopt Resolution 517. It was seconded by Vice Mayor Currier and the motion passed. The vote was 4 ayes and 1 nay by Councilmember Hunt.</p> <p>Ms. Gallagher explained that the adoption of this resolution makes the Chapter about to be adopted by Ordinance a public record. She said that the reason that we adopt this resolution is so that, when we publish the ordinance, we don't have to publish all the pages of the Chapter – it can simply be referred to in the ordinance.</p>
7:25 pm	<p>ITEM #4B: SECOND READING - ORDINANCE NO. 403, "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING THE JEROME TOWN CODE BY THE ADDITION OF NEW CHAPTER 17, 'CIVIL UNIONS.'"</p> <p>Council will conduct the second reading of, and may adopt, Ordinance 403, which would amend the Jerome Town Code to add new Chapter 17, "Civil Unions." The new ordinance would provide for issuance of Civil Union Certificates by the Town Clerk, and allow partners in a Civil Union to file with the Town Clerk a form designating and documenting certain rights and obligations that have been agreed to by the parties, and to make certain legal designations permitted by applicable law, and to include such other agreements in their specific agreement as they may determine to be appropriate for their particular circumstances. The ordinance would further provide that any party to a Civil Union who is an employee of the Town of Jerome may designate his or her Civil Union partner as a beneficiary of any of the benefits provided by the Town to spouses of employees of the Town, to the extent that the Town is able to do so.</p> <p>Mayor Check asked Councilmember Hunt if he would like to give any insight into his "nay" vote on Resolution 517. He replied that the document is "cumbersome and poorly written" -- it is "full of loopholes," he said, and seems very unclear to him. Mr. Hunt said that he has no objections to civil unions per se, it's just that he feels the wording of this particular ordinance is not sufficient.</p> <p>Mayor Check commented, "I find that interesting, since this is the second reading and Council has had months and months to submit their commentary on how to make this better." She</p>

	<p>thanked Councilmember Hunt for his comments.</p> <p>Councilmember Bassett said that any awkwardness that is there is because of state laws.</p> <p>Motion: Councilmember Bassett made a motion to adopt Ordinance 403. It was seconded by Councilmember Phinney and the motion passed. The vote was 4 ayes and 1 nay by Councilmember Hunt.</p>
<p>ITEM #5: 7:27 pm</p>	<p>REQUEST BY JEROME CIVIC CENTER LESSEE TO SERVE ALCOHOL</p> <p>Council will continue their review and may approve a request by Prospect.rs, a lessee at the Jerome Civic Center, to serve alcohol in limited quantities for consumption onsite by members and event attendees.</p> <p>Mayor Check and Vice Mayor Currier each said that they have given thought to this issue since the last meeting. Mr. Currier said that he went down to take a look at the premises, and it seemed "perfectly innocent."</p> <p>Ms. Gallagher said that she had checked with Town Attorney Bill Sims and he said that this is okay from a legal point of view; however, he would like the general liability coverage provided to cover any claims arising from providing liquor to persons paying to gain access to the leased premises.</p> <p>Councilmember Bassett said that she still feels a little uneasy about having alcohol consumed during normal office hours. She suggested a three-month trial period for Fridays, Saturdays and Sundays.</p> <p>Mayor Check said that she was really uncomfortable with it in general, and was surprised that the Town Attorney said that it is okay. Ms. Gallagher responded that Mr. Sims was speaking only from a legal standpoint—this is entirely Council's call.</p> <p>Councilmember Bassett commented that there are a lot of children's activities in this building.</p> <p>Mayor Check said that her perspective comes just from the State's liquor license laws. She feels that it should require a liquor license.</p> <p>The question arose as to whether Town ordinances prohibit liquor on Town property. Vice Mayor Currier noted that there is nothing in the lease agreement regarding alcohol, and clarified that Council had passed a policy that covered the use of Council chambers only – not the entire building or the properties at large. It talks about the facilities and they are defined as Council Chambers at Town Hall. If someone leases the chambers for a meeting or event, they cannot have alcohol in this room. The room in question is not even on this floor, he said. It is downstairs, far enough away that the policy doesn't apply.</p> <p>Mayor Check thanked the Vice Mayor for his clarification, but noted that there could be a lot of people coming in and out of that area, and a lot of underage people as well. She feels that this is a liability for the Town.</p> <p>Councilmember Phinney said that this building belongs to the town, just like the Hotel Jerome, where the Artists Co-op is located. The Co-op, he pointed out, has events and serves alcohol with no controls, such as during Art Walk. Mayor Check noted that they don't store it under the counter and leave the door unlocked. Mr. Phinney agreed and said that he understood her point. He asked Prospect.rs how they would address the liability issues – security, etc.</p> <p>Byron Bowerman, co-owner of Prospect.rs, replied that the lease agreement that they signed with the Town requires them to indemnify the town for everything – "there is absolutely nothing that could happen in that space that we would be able to hold the town responsible for," he said. As a requirement of the lease, he added, they have waived the right to hold the Town responsible for any accidents or any liability issues. Mr. Bowerman also had provided a copy of the exclusions page from their insurance policy, and said that the exclusions regarding liquor do not apply to their business, as they are not in the business of running a bar.</p> <p>Vice Mayor Currier called a point of information. He said that the lease relates only to Town Hall, and not other properties owned by the Town, so the argument regarding the Co-op is irrelevant.</p>

Councilmember Phinney agreed and said that he was just pointing out that we do allow alcohol on other town properties.

Mayor Check asked if a special event liquor license would be appropriate. Ms. Shemaitis responded that a special event liquor license is only available to non-profits, and only if they are selling the liquor.

Mr. Currier asked about a young boy, a minor, who had been present at their business when he visited. Sharon Bowerman, co-owner of Prospect.rs, responded that Mr. Bowerman's nephew had been staying with them temporarily, but is gone now. She added, referencing a previous comment, that they would not have wine under the counter, and, if no member of Prospect.rs is there, the room would be locked. There is no easy access, she said. She added that, if there were a kid's event in the library, they could, technically, get to their space, but the owners and members would be monitoring who is there. Mayor Check pointed out that kids are "especially good at that." Ms. Shemaitis said that the library has instituted rules that do not allow young people to leave the area of the library or their library privileges will be revoked.

Councilmember Phinney said that he would suggest allowing this, but only within their premises and with the understanding that the liquor is not for sale. Mr. Phinney said that Council is establishing a policy with this, and he does not have a problem with it – sometimes people want a beer after work. He added that he wants to make sure that the point of the membership is to not have regular parties on Friday and Saturday nights. Ms. Bowerman said that, if you are a member, you get to come and work.

Mr. Phinney asked what their membership actually provides. Mr. and Ms. Bowerman explained that it allows access to the space, a desk area at which members can work, and WIFI. The members are paying to use the space. The fact that coffee, refreshments, beer and wine are available, they said, just makes the space more appealing.

Vice Mayor Currier noted that Propect.rs has advertised on their Facebook page that there is "booze" on the property. Putting that on the internet, he said, tends to make it sound like they are pushing that aspect of what they provide. He suggested that, if that were to disappear, it may "ease the tension."

Ms. Shemaitis said that she has attended a few of Prospect.rs events. Their first event, which was an open house, is the only one she attended where they had beer and wine. A game night that she attended had a few people that were working on projects, and then they left to go to a bar. That day, she attended a lunch session featuring Deni Phinney as the speaker, and there were about 16 attendees. Ms. Phinney discussed balancing work and your life, and it was all very professional, she said.

Mayor Check said that she believes that it is a really fine line, and added that there is a lot of enforcement when it comes to liquor licenses. It is a very serious thing, and she does not want the town to get anywhere near facilitating something that isn't legal. She agrees with the Vice Mayor that alcohol cannot be provided as part of the paid membership.

Ms. Gallagher commented that, per her conversation with Mr. Sims, we do have a very strong indemnification clause in our current lease agreement. He had pointed out to her that there is a provision in the agreement which requires them to comply with the law, and that removes that risk from the town. If they don't comply with the law, it is not the Town's responsibility.

Mayor Check asked if there is a provision that tells the media this. She said again that she feels very strongly that this cannot be a "sneaky way to serve alcohol." Beer and wine liquor licenses are hard to come by, she said, and expensive. "It's not something you can just slide around."

Tyson Crosby asked if the regulations apply only when selling alcohol. Vice Mayor Currier replied, "You are selling it even though you are using it as a membership tool." The Mayor agreed. Mr. Bowerman disagreed, and said that they are not selling alcohol. They are selling space and time, and a refrigerator is available.

Mayor Check used the example that, when a boss hires a new crew and they occasionally bring a six-pack of beer in after work, that is not something that they advertised in the position, that

there would be refreshments after work. It's not a component, and she said that she agrees with the Vice Mayor.

Vice Mayor Currier asked, "If I was a member, would I automatically assume that there is beer and wine there all the time for my purposes?" "No," the Bowemans replied. "Why not?" Mr. Currier asked. "It is advertised as part of the package." The Bowermans said that he would have to bring his own.

Councilmember Hunt said, "I don't suspect that you anticipate public intoxication, but how would you deal with the situation where someone became intoxicated at their desk?" Mr. Bowerman said that they would call the police, and added that they would try to stop them from drinking before it got to that point. Mr. Crosby stated, "It is a pretty intimate space, so someone couldn't just get wasted while they are working." Mr. Hunt opined that is pretty easy for someone to sit there and be drunk without anyone realizing it.

Mayor Check said that she is happy that they are having this conversation – it is important. They received good information from the Town Attorney, she said, and there has been a lot of good research regarding indemnification. She said that as long as everything is as it seems, then it would be fine to have beer and wine in that space.

Ms. Gallagher asked the Bowermans to clarify whether they are asking permission only for beer and wine, and no other kinds of liquor. Mr. Bowerman said that that hasn't come up, but they cannot guarantee that there would only be beer and wine.

Motion: Vice Mayor Currier made a motion to **say that no liquor is allowed.**

Mayor Check asked that he clarify his motion. The Vice Mayor said that he moves to grant the lease with no liquor allowed.

Mayor Check noted that there was **no second** to the motion. She said that she cannot second it because she needs more clarification regarding what exactly he is asking for.

Vice Mayor Currier explained that Section 4.3 of the lease requires the tenant to comply with all applicable law, and Council is free to list what those laws are. He is suggesting that they list, as a regulation of the lease, that no alcohol will be allowed on the tenant's premises.

Mayor Check asked if that would apply to all Town properties, and the Vice Mayor said that it would be specific to this lease. Councilmember Hunt asked if that would be legal, and the Mayor said that she doesn't think that that is good policy. Mr. Bowerman said that modifying the lease requires mutual consent.

Councilmember Bassett commented that modifying the lease is not on this agenda.

Motion: Councilmember Phinney made a motion to **grant Prospect.rs their request to serve liquor.**

Mayor Check noted that there was **no second.**

Deni Phinney requested permission to address the Bowermans, and the Mayor granted it. Ms. Phinney asked the Bowermans if they are saying that they can't guarantee that the alcohol will only be limited to beer and wine. Mr. Bowerman said that he is not going to personally guarantee that. Ms. Phinney asked if they would be allowing others to bring alcohol with them when they come to work in the space. Mr. Bowerman said that they might, but he is not going to make a legal agreement on behalf of other people when they aren't present. And he is also not willing to promise that that will never happen. He said that he would not personally be bringing a bottle of whiskey with him to work, but, at the last space that he worked in, one of the members kept a bottle of Scotch in his desk, and whenever they signed a contract, they all took a shot. He is not personally willing to say that that will never happen.

Several people began speaking at once, and the Vice Mayor asked who speaks for their organization. Ms. Bowerman said that she does—the lease and business license are in her name. She added that they are both listed on the LLC.

Councilmember Hunt said that he would like to second Councilmember Phinney's motion. Mayor Check informed him that the motion had died and would have to be redone.

Motion: Councilmember Phinney again made a motion to **approve Prospect.rs' request as per item 5**. It was seconded by Councilmember Hunt.

Councilmember Phinney noted that Council is establishing policy here for everything that they are doing, and not just for these folks. Whatever Prospect.rs intends to do, he said, is less important than the fact that Council is trying to assure that those who are renting from the Town would have the same rights as at other places.

Vice Mayor Currier then pointed out that Councilmember Phinney is an interested party. He leases a studio here and he should recuse himself. Mr. Phinney agreed, and Mr. Hunt said that that would invalidate the motion.

Several people spoke at the same time. Councilmember Bassett said that Councilmember Phinney is saying that Council is establishing precedents that future people can use as an argument. Mr. Phinney agreed.

Councilmember Bassett said that she could vote to approve this if there was a trial period.

Vice Mayor Currier called a point of order and asked if Mr. Phinney should or should not recuse himself. Mayor Check said that the motion would have to be rescinded if he wants to recuse himself from the topic. Councilmember Bassett said that this can't be applied to every leaseholder anyway, and that is the thing that would make it a conflict for Councilmember Phinney.

Mr. Phinney acknowledged that he was expanding the scope of this, and didn't have any right to do so.

Mayor Check said that this was a perceived conflict of interest for Councilmember Phinney. Councilmember Bassett agreed.

Councilmember Phinney withdrew his motion.

Mayor Check asked Councilmember Phinney to excuse himself. Mr. Phinney said that he would not leave the dais. Town Attorney Sims was consulted and said that Mr. Phinney cannot contribute to the conversation but did not have to leave the dais.

Mayor Check said that she is uncomfortable continuing to talk about this subject without having a much broader agenda item.

Motion: Vice Mayor Currier made a motion to **table Prospect.rs' request to serve liquor**. The Mayor seconded it, and said that this needs to be addressed in a broader way, to look at all of the Town's lease agreements.

Councilmember Phinney asked if this was being tabled because he is sitting there at the dais. The Mayor pointed out that he is not supposed to be speaking. Mr. Phinney said that he would leave if it is going to be an issue. Mayor Check said that the issue is that he is speaking and there is a motion on the floor.

Councilmember Phinney said that he would recuse himself so that they can continue their discussion. He agreed to leave, although he did not agree that he needed to. The Mayor confirmed that Ms. Phinney could remain, because she is not on the Council. Councilmember Phinney left the room at this time.

Mayor Check said that she thinks that Council needs to address their broader leasing policy so that they are fair and consistent, and don't just address one entity. The best way to make policy, she said, is to look at what's best for the entire program.

Councilmember Bassett asked Ms. Gallagher for her take on that.

Ms. Gallagher replied that this sounds reasonable. She added that she has mixed feelings about this – these people have been waiting quite awhile to get an answer about this, she said, and it's probably difficult for them. Ms. Gallagher said that she could put this on the

	<p>next meeting agenda, and suggested that, if Council wishes to address a broader policy, they consider something stating that any provisions that are not specifically included in the lease would be dealt with on a case-by-case basis by Council. In that way, new circumstances could be dealt with individually without setting a precedent.</p> <p>Councilmember Bassett asked if Council could do that at this meeting by specifying that it is a case-by-case solution to this situation, and <u>not</u> setting precedents for any future lessees. Mayor Check said that they could, if that is the direction that Council wants to go, but she would prefer to add something that at least addresses this item in a consistent way for all their renters.</p> <p>Mr. Bowerman said that, if Council were to make a change to their lease that would only apply to Prospect.rs, it would require mutual consent per Arizona contract law.</p> <p>After brief further discussion ...</p> <p>Motion: Vice Mayor Currier made a motion to table this item to the next regular meeting. It was seconded by Mayor Check, but she noted that there was already a similar motion on the table, and asked if this would be an amended motion.</p> <p>Ms. Shemaitis asked also if this would be considered an amended motion, since there already had been a motion and a second.</p> <p>AMENDED Motion: Vice Mayor Currier made an amended motion to table this item to the next regular meeting. Mayor Check amended her second.</p> <p>Councilmember Hunt pointed out that Prospect.rs is not actually <u>serving</u> anything, because members are bringing their own stuff.</p> <p>Mayor Check called the question and the motion passed. The vote was 4 ayes and no nays. (As Mr. Phinney had recused himself and left the room, he did not vote.)</p> <p>Vice Mayor Currier noted that the motion to table is a privileged motion, and as such, there could be no discussion on that.</p>
ITEM #6:	<p>ADJOURNMENT</p> <p>Upon motion by Councilmember Bassett seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 7:59 p.m.</p>

Edited by Town Manager/Clerk Candace Gallagher from minutes taken and transcribed by Deputy Town Clerk Rosemarie Shemaitis.

APPROVE:

ATTEST:

Nikki Check, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____